



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

7 / Appeal
Brief
8-16-03
NP

In re Applicant:

Sri K. Canakapalli

Serial No.: 09/817,719

Filed: March 26, 2001

For: Enabling Manual Adjustment of
Pointing Device Cursor Speed

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Art Unit: 2675

Examiner: Alecia D. Nelson

Atty Docket: ITL.0558US
P11216

Mail Stop **Appeal Brief-Patents**
Commissioner for Patents
P.O. Box 1450
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APPEAL BRIEF

Sir:

Applicant respectfully appeals from the final rejection mailed May 6, 2003.

I. REAL PARTY IN INTEREST

The real party in interest is the assignee Intel Corporation.

II. RELATED APPEALS AND INTERFERENCES

None.

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Date of Deposit: July 29, 2003
I hereby certify under 37 CFR 1.8(a) that this correspondence is being deposited with the United States Postal Service as **first class mail** with sufficient postage on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
Cynthia L. Hayden
Cynthia L. Hayden

III. STATUS OF THE CLAIMS

Claims 7-10 are rejected. Each rejection is appealed.

IV. STATUS OF AMENDMENTS

All amendments were entered. The final office action was not responded to.

V. SUMMARY OF THE INVENTION

Referring to Figure 1, a pointing device 10, such as mouse, may include at least one button 12 and a cable 14 that is a serial interface cable that couples a pointing device to a processor-based system. The body 15 has a side wall 13 that includes a control 16. When the user grasps the pointing device 10 in the palm of the user's hand, the user's thumb may conveniently be positioned atop the control 16. That is, in normal use, the user's thumb tends to rest on the side wall 13. The control 16 may be positioned so as to be under the user's thumb when the user's hand is positioned conventionally on the pointing device 10 in one embodiment.

In one embodiment, the control 16 allows "on-the-fly" speed control inputs to control the rate at which the cursor moves in response to pointing device 10 movements. For example, the user can actuate the control 16 to increase the speed of cursor movements for corresponding pointing device 10 movements and actuate the button 16 otherwise to reduce the cursor speed. For example, the user can use his or her thumb to make ongoing adjustments in cursor speed response characteristics. See specification at page 2, line 16 through page 3, line 12.

In one embodiment, the control 16 may be a roller whose direction of movement selectively increases or decreases the cursor speed. The control 16 may be implemented in a variety of different forms. In general, any control 16 that enables the user to adjust the speed of

cursor movements “on-the-fly” in the course of operating the pointing device 10 may be useful in some embodiments of the present invention.

Referring to Figure 2, the pointing device 10 may include an interface that serializes input commands in one embodiment. For example, the interface 28 may receive x and y transducer commands, indicative of the direction of movement of the device 10, and, at least indirectly, the rate of speed of movement of the mouse 10. Thus, signals from the x transducer 18 and y transducer 20 may be coupled through the interface 28 to the cable 14. Likewise, signals from a button 12 may be received as indicated at 22 as well as signals from a second button as indicated at 24. All these signals may be converted to an appropriate format and sent on to a processor-based system by the interface 28. Similarly, inputs from the control 16 may be transferred, as indicated at 26, through the interface 28 to the cable 14.

Thus, conventional mouse command signals in one of a variety of conventional formats may be transferred together with the speed commands, indicated at 26, from the interface 28 to a processor-based system (not shown in Figure 2). See specification at page 3, line 13 through page 4, line 20.

VI. ISSUES

A. Is Claim 7 Obvious Over Jaaskelainen Alone?

VII. GROUPING OF THE CLAIMS

All of the claims may be grouped with claim 7.

VIII. ARGUMENT

A. Is Claim 7 Obvious Over Jaaskelainen Alone?

Claim 7 calls for the control to enable the user to manually change the rate at which the cursor image moves in response to the movement of a control positioned to lie under the user's thumb when the body is positioned in the user's hand.

Referring to the cited reference, the switch 80 is positioned near the mouse buttons 42. The mouse button 42, for example, is arranged to be positioned under the user's index finger. Human index fingers extend a substantial distance beyond the extension of human thumbs. Therefore, it is clear that because the switch 80 is aside the button 42, which is designed to be put under the user's index finger, that the switch 80 is non-accessible to the user's thumb when the mouse is held in the user's palm as intended.

Therefore, claim 7 patentably distinguishes over the art of record. While the Examiner might contend that it is obvious to do what is in the claimed invention, certainly the cited reference directly and explicitly teaches away. Thus, a reference cannot be relied upon to teach what the reference directly says not to do.

The Examiner concedes that the cited reference does not teach how the thumb falls relative to the rest of the mouse. But the Examiner contends that it is possible that the mouse could be held in a way to enable the thumb to fall in the position as claimed. However, this does not necessarily appear to be the case since the cited reference indicates that the user's forefinger is on a button which would seem to displace the user's thumb from the claimed position.

→ In order for the reference to be inherent, it must necessarily do what is claimed. See M.P.E.P. § 2112. Here, the reference does not necessarily do what is claimed but, as the Examiner contends, it is only possible that it might do so. The possibility is not sufficient to

make out an inherency rejection and, therefore, the reference taken by itself simply teaches away from the claimed invention.

Therefore, the rejection of claim 7 should be reversed.

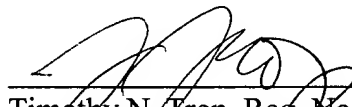
IX. CONCLUSION

Applicant respectfully requests that each of the final rejections be reversed and that the claims subject to this Appeal be allowed to issue.

Respectfully submitted,

Date: _____

7/29/03



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APPENDIX OF CLAIMS

The claims on appeal are:

7. A mouse comprising:
a body including an element to detect movement of
the body; and
a control to enable the user to manually change
the rate at which a cursor image moves in response to movement of said body, said control being
positioned to lie under the user's thumb when the body is positioned in the user's hand.
8. The mouse of claim 7 wherein said body includes a curved upper surface and a
side wall, said control being positioned in said side wall.
9. The mouse of claim 7 wherein said control is a roller switch.
10. The mouse if claim 7 wherein said control enables the rate at which the cursor
image moves to be manually increased or decreased.